

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

SHIMADZU U.S.A. MANUFACTURING, INC.,

Case No:

Plaintiff,

COMPLAINT

vs.

(Property Damage - Product Liability)

AMAZON.COM, INC.,

NOT SUBJECT TO MANDATORY
ARBITRATION

Defendant.

Amount Claimed: \$6,484,714.30
ORS 21.160(1)(d)
Filing Fee: \$884.00

For its claim for relief against defendant, plaintiff states and alleges the following:

I. PARTIES

1

Shimadzu U.S.A. Manufacturing, Inc. ("Shimadzu") is a domestic corporation with a place of business at 1900 SE 4th Avenue, Canby, Oregon (the "subject property").

2

At all times relevant hereto, Amazon.com, Inc. (“Amazon”) was a foreign corporation engaged in the online sale of retail goods in the state of Oregon.

II. FACTUAL BACKGROUND

3.

At all times relevant hereto, Shimadzu was the owner of a TalentCell Lithium Power

COMPLAINT-1

LAW OFFICES OF
SHUMSKY & BACKMAN
P.O. Box 56028
PORTLAND, OR 97238-6028
TELEPHONE (503) 222-4339

EXHIBIT A

1 Bank Model YB1206000 rechargeable lithium ion battery pack (the “TalentCell battery”), which
2 was used at the subject property at all relevant times. The TalentCell battery was purchased
3 from Amazon.

4 5.

5 On September 24, 2021, the subject property was damaged by an explosion and resultant
6 fire originating at the TalentCell battery.

7 6.

8 The TalentCell battery exploded, while connected to a charger supplied with the battery,
9 and started a fire at the subject property due to an indeterminate manufacturing defect.

10 7.

11 At the time of the loss, the TalentCell battery had not been modified from its
12 manufactured condition, nor was it subject to abuse, misuse, or abnormal operating conditions.

13 8.

14 As a result of the fire, the plaintiff sustained damages in the amount of \$6,484,714.30.

15 **III. LIABILITY**

16 **(Product Liability)**

17 9.

20 At all times relevant hereto, Amazon was engaged in the business of selling TalentCell
21 battery products, which are manufactured in China by a company with no known presence in the
22 United States.

23 10.

25 Amazon advertised the TalentCell battery on its website for sale to the public and sold
26 the subject TalentCell battery to Shimadzu.

COMPLAINT-2

LAW OFFICES OF
SHUMSKY & BACKMAN
P.O. BOX 56028
PORTLAND, OR 97238-6028
TELEPHONE (503) 222-4339

EXHIBIT A
Page 2 of 3

11.

2 The TalentCell battery was sold by Amazon in a defective and unreasonably dangerous
3 condition that presented a hazard to both persons and property pursuant to ORS 30.920.

4 12.

5 The TalentCell battery was defective by reason of its manufacture insofar as the product
6 deviated in a significant way from otherwise identical units of the same product line and was
7 prone to explosion and ignition as a result of an indeterminate manufacturing defect.

8 13.

9 As a result of Amazon's sale of a defective product, plaintiff sustained damages in the
10 amount of \$6,484,714.30.

11 **WHEREFORE**, plaintiff demands judgment against defendant in the amount of
12 \$6,484,714.30, together with prejudgment interest at the rate of 9% per annum, costs,
13 disbursements and any other relief the court deems appropriate.

14 Dated this 29th day of November 2022.

15
16
17 LAW OFFICES OF
18 SHUMSKY & BACKMAN

19 By: 

20 George M. Shumsky, OSB #951468
21 E-mail: george@shumsky-backman.com
22 Fax: (877) 222-2171

23
24
25
26
COMPLAINT-3

LAW OFFICES OF
SHUMSKY & BACKMAN
P.O. BOX 56028
PORTLAND, OR 97238-6028
TELEPHONE (503) 222-4339

EXHIBIT A
Page 3 of 3